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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,300	01/27/2000	Toshitaka Agano	Q55891	9715

7590 04/22/2003

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2100 Pennsylvania Avenue N W  
Washington, DC 20037

EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 04/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/492,300

Applicant(s)

AGANO, TOSHITAKA

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is responsive to Amendment filed on Jan. 31, 2003.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argiro et al. (U.S. Patent No. 5,986,662).

Regarding claim 1, referring to figure 23, Argiro teaches a display device (412) having: at least two sets of maximum luminance (414, 450) (col. 26, lines 24-67) including an image maximum luminance (414) for displaying an image and an ordinary maximum luminance (450) for display non-image information (col. 19, lines 62-67, col. 20, lines 1-64).

Argiro differs from claim 1 in that he does not specifically teach the ordinary maximum luminance being lower than the image maximum luminance. However, it would have been obvious to obtain the ordinary maximum luminance being lower than the image maximum luminance in order to provide enough bright for diagnostic image and avoid great stress for the viewer's eyes.

Regarding claims 2-4, Argiro teaches the display device having a luminance adjusting unit (or switching unit or selection unit) (280, 282, 284, 286) which, when the non-image information is displayed in cases of display of only the image, or display of a mixture of the image and the non-image information, or display of only the non-image information, adjusts a

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brightness of the display in an area of the non-image information or in an entire display screen in accordance with said ordinary maximum luminance (figure 13, col. 20, lines 9-32).

Regarding claim 5, it would have been obvious to obtain an entire display screen is adjusted to a brightness of display not higher than said ordinary maximum luminance in accordance with an operation using graphical user interface in order to provide the good operability and avoid stress for viewer's eyes.

Regarding claims 6, 10, and 11, Argiro teaches the display device wherein adjustment of a brightness of display in relation to said ordinary maximum luminance and said image maximum luminance is performed by adjustment of either a light source for display (col. 24, lines 13).

Regarding claim 7, Argiro teaches the display device of wherein the non-image information comprises textual information (figure 23, col. 26, lines 44-67).

Regarding claims 8 and 9, Argiro teaches the display device wherein the image is displayed at a maximum luminance level for the display represented by n bits and wherein the non-image information is displayed at a maximum level represented by less than n bits and (col. 8, lines 50-61).

4. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argiro et al. (U.S. Patent No. 5,986,662) in view of Inbar et al. (U.S. Patent No. 6,269,565).

Regarding claim 12, Argiro differs from claim 12 in that he does not specifically teach the light source comprises multiple light sources. However, referring to figure 17, Inbar discloses a light source comprises multiple light sources (col. 23, lines 10-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate

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the light source comprises multiple light sources as taught by Inbar in the system of Argiro in order to adjust the current being supply easily.

Regarding claim 13, Argiro differs from claim 13 in that he does not specifically disclose a light source control unit which controls current through each of the multiple light sources independently to increase brightness in a region of a display screen or in an entire display screen. However, Inbar disclose a light source control unit which controls current through each of the multiple light sources independently to increase brightness in a region of a display screen or in an entire display screen (col. 54, lines57-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the light source control unit as taught by Inbar in the system of Argiro in order to provide a satisfactory visibility for viewer.

#### ***Response to Arguments***

5. Applicant's arguments filed 01/31/03 have been fully considered but they are not persuasive. Argiro teaches two kinds of element: medical images (various parts of human body) and text/numbers (patient information). Moreover, he also teaches the buttons or level sliders to control the contrast range, from the least luminescence to maximum luminescence. Therefore, it would have been obvious to control the maximum luminescence for the image and lesser luminescence for non-image information in order to provide enough bright for diagnostic image and avoid great stress for the viewer's eyes.

6. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

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7. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

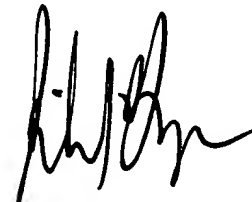
Washington, DC. 20231

**Or faxed to: 703-872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen  
Patent Examiner  
Art Unit 2674



**RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**